

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 00-6279-Cr-Hurley/Vitunac

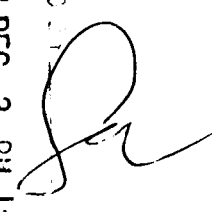
UNITED STATES OF AMERICA

Plaintiff

vs.

SHANNON GERRAUGHTY

Defendant.

FILED
2004 DEC -3 PM 1:50
CLERK OF COURT
S.D. OF FLA - FTL


ORDER AND
REPORT AND RECOMMENDATION

The Defendant, SHANNON GERRAUGHTY, appeared before the Court this day, represented by Peter Patanzo. The Defendant is charged with violating supervised release by: (1) unlawfully possessing or using a controlled substance; (2) failing to submit to drug testing; (3) failing to refrain from excessive use of alcohol; (4) failing to refrain from violating the law; (5) leaving the judicial district without first securing permission from the probation officer; and (6) failing to notify the probation office of a change in residence. The Defendant admits violating her supervised release and would like to proceed to sentencing. Additionally, the Defendant understands that the Government may file a superseding petition on or before December 13, 2004. If this occurs, the Defendant will be entitled to a preliminary/final hearing on any new allegations set forth in the superseding petition.

This Court recommends that the District Court accept the Defendant's admission and find the Defendant guilty of violating supervised release. This Court recommends that the matter be set down for sentencing before the District Court.

The Clerk is ORDERED to set this matter before the sentencing calendar of United

47a

States District Judge Daniel T. K. Hurley.

Additionally, IT IS HEREBY ORDERED that the Defendant be committed to the custody of the Attorney General for confinement in a corrections facility, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal.

This Court also directs that the Defendant be afforded reasonable opportunity for private consultation with counsel; and the Court directs that, on order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which the defendant is confined deliver the Defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

A party shall serve and file written objections, if any, to this Report and Recommendation with the Honorable United States District Judge Daniel T. K. Hurley, within ten (10) days after being served with a copy. See 28 U.S.C. § 636(b)(1)(C). Failure to file timely objections may limit the scope of appellate review of factual findings contained herein. See United States v. Warren, 687 F.2d 347, 348 (11th Cir.1982) cert. denied, 460 U.S. 1087 (1983).

DONE and ORDERED and DONE and SUBMITTED in Chambers at West Palm Beach in the Southern District of Florida, this 3 day of December 2004.



ANN E. VITUNAC
CHIEF UNITED STATES MAGISTRATE JUDGE

Copies to:
AUSA Roger Stefin
Peter Patanzo, Esq.
U.S. Marshal
U.S. Probation, Barbra Somoano
Clerk of Court